

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.S.RADHAKRISHNAN

&

THE HONOURABLE MR. JUSTICE ANTONY DOMINIC

WEDNESDAY, THE 27TH JUNE 2007 / 6TH ASHADHA 1929

WP(C).No. 21279 of 2006(G)

PETITIONER:

DILEEP, CHANGAYIL VADAKKETHIL,
KANDIYOOR, MAVELIKKARA,
(PROPRIETOR, M/S.S.K.ADVERTISERS MAVELIKKARA).

BY ADV. SRI.R.RAMADAS

RESPONDENTS:

1. THE TRAVANCORE DEVASWOM BOARD,
REPRESENTED BY ITS SECRETARY,
DEVASWOM BOARD OFFICE, NANDANCODE,
THIRUVANANTHAPURAM.

2. THE SECRETARY,
TRAVANCORE DEVASWOM BOARD,
DEVASWOM BOARD OFFICE, NANDANCODE,
THIRUVANANTHAPURAM.

BY ADV. SRI.U.K.RAMAKRISHNAN, SC, TDB
SRI.V.KRISHNA MENON

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 27/06/2007, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

APPENDIX

PETITIONER'S EXTS:

EXT.P1 TRUE COPY OF THE REPORT DATED 17.11.2002 TO THE CHIEF ENGINEER.

EXT.P2 TRUE COPY OF THE PASS ISSUED BY THE ASSISTANT ENGINEER, DATED 17.11.2002.

EXT.P3 TRUE COPY OF THE PERMISSION GRANTED BY THE EXECUTIVE ENGINEER OF THE TRAVANCORE DEVASWOM BOARD DATED 5.12.2002.

EXT.P4 TRUE COPY OF THE CERTIFICATE ISSUED BY THE ASSISTANT ENGINEER.

EXT.P5 TRUE COPY OF THE JUDGMENT DATED 13.10.2005 IN WPC NO.23768 OF 2005.

EXT.P6 TRUE COPY OF THE REPRESENTATION DATED 14.10.2005 BEFORE THE 1ST RESPONDENT.

EXT.P7 TRUE COPY OF THE REPRESENTATION DATED 16.1.2006 BEFORE THE 2ND RESPONDENT.

EXT.P8 TRUE COPY OF THE PROCEEDINGS DATED 29.3.2006 OF THE 2ND RESPONDENT WITH ENGLISH TRANSLATION.

K.S.Radhakrishnan

&

Antony Dominic, JJ.

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W.P(C).No.21279 of 2006

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Dated this the 27th day of June, 2007.

JUDGMENT

Radhakrishnan,J.

This Writ Petition has been preferred seeking a writ of certiorari to quash Ext.P8 order and also for a mandamus directing the respondent to disburse the amounts due to the petitioner with interest and also for other consequential reliefs.

2. During the year 2002, the Devasawom Board invited quotations for providing certain neon glow sign boards and reflective sticker boards along the pathway from Pamba to Sannidhanam. Out of the three quotations, the petitioner's quotation was the lowest and hence the work was assigned to him. The Executive Engineer, Sabarimala Development Project submitted a report to the Chief Engineer in this regard. The work was executed on an emergency basis as per the supervision of the officials of the Board and the same was completed on 7.12.2002. The completion of the work was entered into the "M" book kept by the Executive Engineer of the Devaswom

Board. Petitioner submits that an amount of Rs.11,74,030/- is due to him. Petitioner made various representations, but no action was taken. In the circumstances, petitioner filed W.P(C) No.23768 of 2005 before this Court, which was disposed of with a direction to the Board to dispose of the representation. Since the respondents did not take any action in spite of the above judgment, petitioner filed another representation and by Ext.P8, it was rejected. Hence, the present Writ Petition is filed.

3. Devaswom Board has no case that the petitioner had not completed the work. The contention of the then Board is that the Board had not given administrative sanction for the alleged work. Affidavit filed by the Executive Engineer specifically says that the Board had orally ordered to provide certain neon glow sign boards at Sabarimala and certain reflective sticker boards along the traditional pathway from Pampa to Sabarimala. Further it is stated that as per the direction of the then Board and the oral approval of the then Chief Engineer (General), the Executive Engineer invited quotations from the standing contractors and out of the three offers received, petitioner's offer was found to be the lowest and he had given direction to the concerned Assistant Engineer at Sabarimala to arrange the supply and erection of the said sign boards through the petitioner. We are of the

view, the petitioner cannot be found fault with the omission to obtain the sanction of the Board. Petitioner has completed the work tendered and he must get the fruits of his labour.

4. In the circumstances, a direction is given to the Executive Engineer to prepare the bill on the basis of Ext.P4 report and that the board will take a decision to disburse the amount due to the petitioner within a period of one month from the date of receipt of a copy of this judgment.

Writ Petition is disposed of as above.

K.S.Radhakrishnan,
Judge.

Antony Dominic,
Judge.

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